



CALIFORNIA STATE BOARD OF EDUCATION

MAY 2004 AGENDA

SUBJECT

No Child Left Behind Act (NCLB) of 2001: Approve Commencement of the Rulemaking Process for Amendments to Title 5 Regulations for the No Child Left Behind Teacher Requirements



Action



Information



Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) (1) approve the amended Title 5 Regulations for the No Child Left Behind Teacher Requirements, Initial Statement of Reasons, Notice of Proposed Rulemaking, and direct staff to commence the public rulemaking process; and (2) approve the revision to the High Objective Uniform State Standard of Evaluation (HOUSSE) forms for the Certificate of Compliance.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE approved the Title 5 Regulations for the No Child Left Behind Teacher Requirements at the November 2003 meeting. The Title 5 Regulations were approved by the Office of Administrative Law on February 27, 2004. The proposed amendments to the Title 5 regulations for the No Child Left Behind Teacher Requirements and the revision to the HOUSSE forms were submitted to the SBE in April 2004 as an Information Item. The CDE is now requesting that the SBE take action to approve these amended regulations and forms.

SUMMARY OF KEY ISSUES

The amended regulations reflect the new guidance received in the January 16, 2004, *U. S. Department of Education Non-Regulatory Guidance for the NCLB Title II, Part A, Improving Teacher Quality State Grants* for the NCLB Teacher Requirements related to the following:

- (1) Elementary, middle and high school designation by course;
- (2) Supplementary authorizations and local teaching assignment options for teacher verification of subject matter competency through HOUSSE;
- (3) Credentials and date issued by other states to define teachers as new and not new;
- (4) International teachers: Definition and equivalent HOUSSE process;
- (5) Minor revisions to the HOUSSE forms that are incorporated by reference in the Title 5 Regulations.

FISCAL ANALYSIS (AS APPROPRIATE)

The CDE fiscal analysis will be submitted as a Last Minute Memorandum.

ATTACHMENT

[Attachment 1](#): Amended Regulations: Title 5 No Child Left Behind Teacher Requirements (3 Pages)

[Attachment 2](#): HOUSSE Forms (4 Pages)

[Attachment 3](#): Informative Digest (1 Page)

[Attachment 4](#): Initial Statement of Reasons: Title 5 Regulations: No Child Left Behind Teacher Requirements (3 Pages)

[Attachment 5](#): Notice of Proposed Rulemaking (5 Pages)

The CDE fiscal analysis will be submitted as a Last Minute Memorandum.

Title 5. EDUCATION

Division 1. State Department of Education

Chapter 6. Certified Personnel

Subchapter 7. No Child Left Behind Teacher Requirements

Article 1. General

Amend Section 6100(d) and (j) to read:

§ 6100. Definitions.

(d) Elementary, Middle and High School: The local educational agency shall determine, based on curriculum taught, ~~by school site; or by each grade at the school site; or by each course,~~ if appropriate, whether a ~~teacher course~~ teacher course is hired to teach elementary, middle or high school.

(j) International Teacher: A credentialed teacher prepared in a country other than the United States.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a); Section 44275.4, Education Code; and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Guidance ~~December 19, 2002~~ January 16, 2004.

Amend Article 4, Section 6115 to read:

Article 4. ~~Teachers~~ State Certification Not Meeting NCLB Teacher Requirements

§ 6115. ~~Teachers~~ State Certification Not Meeting NCLB Teacher Requirements.

A teacher does not meet the NCLB teacher requirements for the core academic subject taught if:

(1) Teaching with an Emergency Permit, or

~~(2) Teaching with a supplemental authorization (except where the supplemental authorization is based on a major or a major equivalent in the subject taught) or~~

~~(2)(3) Teaching with state or local waivers for the grade or subject taught, or~~

~~(3)(4) Teaching as a pre-intern pursuant to Education Code Section 44305 et seq.~~

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a); Section 44275.4, Education Code; and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Guidance ~~December 19, 2002~~ January 16, 2004.

Add Section 6116 to read:

§ 6116. Teachers with Supplementary Authorizations and Local Teaching

Assignment Options.

Teachers with a supplementary authorization or a local teaching assignment option who meet the NCLB Teacher Requirements are those who:

(1) hold certification; and

(2) have demonstrated subject matter competency for the grade span and subject matter taught.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Guidance January 16, 2004.

Amend Section 6125 to read:

§ 6125. Teachers from Out-of-State.

Teachers who have been found to meet met the subject matter competency requirements of NCLB in states outside of California shall also be considered to have met the requirements for that particular subject and/or grade span in California. California's

credentiaing reciprocity is not affected by the requirements of NCLB.

The date of issuance of a valid teaching credential issued by states outside of California shall be used to identify a teacher as new or not new to the profession in California.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a); Section 44275.4, Education Code; and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Guidance ~~December 19, 2002~~ January 16, 2004.

Add Section 6126 to read:

§ 6126. International Teachers.

A teacher from another country who meets the NCLB Teacher Requirements is one who:

(1) Holds a degree from a foreign college or university that is at least equivalent to a bachelor's degree offered by an American institution of higher education.

(2) Has a teaching credential that meets the California Commission on Teacher Credentialing requirements for out-of-country trained teachers.

(3) Demonstrates subject matter competency for the grade span and subjects taught through the same or equivalent processes and methods required of California Teachers.

NOTE: Authority cited: Section 12001, Education Code. Reference: 20 USC 7801(23), 20 USC 6319(a) and Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Guidance January 16, 2004.

4-7-04

NCLB TEACHER REQUIREMENTS: Certificate of Compliance

Teacher's Name: _____ School/District _____

Core Academic Subject Area Assignment _____

- *All teachers: To become NCLB compliant you must complete the three requirements listed below.*
- *Middle/High school teachers: One certificate must be completed for each core academic subject taught.*
- *Elementary teachers: Complete one certificate for multiple subjects.*

If you have questions, see the Instructions for completing the *NCLB Teacher Requirements: Certificate of Compliance*. (Sec. 3.1-3.3)

☐ **1. I have a bachelor's degree (Sec. 3.2.1)**

☐ **2. I have an appropriate California Credential. (Sec. 3.2.2)** Type _____
Date of issuance _____

☐ **3. I have demonstrated core academic subject area competence by completing: (Sec. 3.2.3)**

✓ **Check one box to determine the appropriate option/s:**

- ☐ I am a "New" to the profession teacher. (Credential issued on or after July 1, 2002)
"New" elementary teachers must select Exam option.
"New" middle/high school teachers may select Exam or Coursework option.
- ☐ I am a "Not new" to the profession teacher. (Credential issued before July 1, 2002)
"Not new" elementary teachers may select Exam or HOUSSE option.
"Not new" middle/high school teachers may select the Exam, Coursework, Advanced Certification or HOUSSE options.

✓ **Check one box from the option/s available.**

EXAM

- ☐ I have passed a CCTC approved subject matter exam, including but not limited to CSET, MSAT, or NTE, in the core subject that I teach.

This certificate relates to the following NCLB Core Academic Subject: (Check one)

- ☐ English
- ☐ Reading/Language Arts
- ☐ Mathematics
- ☐ Science
- ☐ Civics and Government
- ☐ Economics
- ☐ Arts
- ☐ Foreign Language
- ☐ History
- ☐ Geography

☐ Self-Contained/Elementary
Multiple subjects

COURSEWORK

- ☐ I have completed a CCTC approved subject matter program in the core subject that I teach.
- ☐ I have an undergraduate major in the core subject I teach.
- ☐ I have an undergraduate major equivalent in the core subject I teach (32 non-remedial semester units).
- ☐ I have a graduate degree in the core subject I teach.

ADVANCED CERTIFICATION

- ☐ National Board Certification in the core subject I teach

HOUSSE

- ☐ I have completed California's High Objective Uniform State Standard of Evaluation in the core subject I teach. (See Sec. 3.3, Form 2 and/or Form 3.)

Teacher's Signature: _____ **Date:** _____

Verified by:
(Superintendent/designee) _____ **Date:** _____

- ✓ **Attach appropriate documentation and evidence.**
- ✓ **The teacher retains a signed copy of this form.**
- ✓ **LEAs/districts retain a signed original of this form for NCLB data reporting purposes.**

**CALIFORNIA HIGH OBJECTIVE UNIFORM STATE STANDARD of EVALUATION
CALIFORNIA HOUSSE – PART 1
Assessment of Qualifications and Experience**

Teacher's Name _____

Current Core Academic Assignment _____

☐ I have accumulated the 100 Points required for the California HOUSSE. (Attach evidence)

HOUSSE-PART 1: PRIOR EXPERIENCE IN ASSIGNED AREA	Total Points
Experience in teaching core area - 10 pts per school year (Five years maximum) Circle years teaching this core academic subject: 1 2 3 4 5	50 pts. Max. _____pts
HOUSEE-PART 1: CORE ACADEMIC COURSEWORK IN ASSIGNED AREA	Points
<p>Elementary teachers Core Academic Coursework: Select one if appropriate</p> <p>A. Completed 18 semester units in each of four core areas: 1) Reading/ Language Arts, 2) Mathematics and Science, 3) History and Social Sciences and 4) the Arts. - 50 pts, or</p> <p>B. Completed a CCTC approved Liberal Studies Waiver Program - 50 pts, or</p> <p>C. National Board Certification in grade span - 60 pts, or</p> <p>D. Completed an advanced degree in teaching, curriculum instruction, or assessment in core academic area [e.g., MAT/MEd/MA/MS]</p> <p>Middle /High School Core Academic Coursework: Select one if applicable</p> <p>A. Completed CCTC-Supplementary Authorization – 50 pts. or</p> <p>B. Completed 15-21 Units of Core – 30 pts., or</p> <p>C. Completed 22-30 Units of Core – 50 pts., or</p> <p>D. Completed an advanced degree in teaching/curriculum/assessment in core academic area {e.g., MAT/MEd/MA/MS} – 60 pts.</p>	_____pts

HOUSSE-PART 1: STANDARDS ALIGNED PROFESSIONAL DEVELOPMENT IN ASSIGNED AREA	Points
<p>Aligned Professional Development (20 hrs = 5 pts, 40 hrs = 10 pts....)</p> <ul style="list-style-type: none"> • Reading and Mathematics Professional Development Program (AB466 Training) • Beginning Teacher Support and Assessment (BTSA) Programs • Participate, but not yet certified, in National Board Certification program. <p>Note: This list is not exhaustive. Professional development activities that are used for the HOUSSE evaluation must be activities that increase teachers' knowledge of core academic subjects, are standards-aligned, sustained, intensive and classroom-focused and are not 1-day or short-term workshops or conferences. NCLB requires that the list of professional development activities is available to the public. (See Section 3.2.3.1)</p>	<p>(Within last six years) (Since 1997)</p> <p>_____pts</p>
HOUSSE PART 1 LEADERSHIP AND SERVICE TO THE PROFESSION IN ASSIGNED AREA	Points
<p>Service leadership roles within Core academic content area 1 yr = 30 pts, 2 yr = 60 pts, 3 yrs = 90 pts</p> <p>Mentor, Academic Curriculum Coach, Supervising Teacher, College / University instructor in content area/content methodology, BTSA Support Provider, Department Chair, National/State Recognition as "Outstanding Educator" in Content Area</p> <p>Note: This list is not exhaustive. NCLB requires that the list of qualified service and leadership activities is available to the public. (See Section 3.2.3.1)</p>	<p>_____pts</p>

Signed by Teacher _____ Date _____

Verified by LEA (Superintendent/designee) _____ Date _____

Attach appropriate documentation.

Attach a copy of HOUSSE-PART 1 to Certificate of Compliance (Form 1)

Go to HOUSSE-PART 2 (Form 3) only if more points are necessary to reach a total of 100.

INFORMATIVE DIGEST
No Child Left Behind Teacher Requirements

Federal law under No Child Left Behind Act (NCLB) requires that all teachers of core academic subjects meet the federal definition of “highly qualified teacher” no later than the end of the 2005-2006 school year. Schools that receive Title I funds are currently required to hire only teachers that meet the federal definition of “highly qualified teacher.” Core academic subjects include English, reading/language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography (NCLB Section 9101).

While federal law defines the requirements for “highly qualified teacher”, some details regarding how the definition is applied in each State must also be determined. Existing State law and these proposed regulations are intended to provide the detail necessary to meet the NCLB Teacher Requirements in California.

Specifically, these proposed Title 5 regulations amend the existing regulations related to the No Child Left Behind Teacher Requirements and address new guidance received in the January 16, 2004 U. S. Department of Education Non-Regulatory Guidance for the NCLB Title II, Part A, Improving Teacher Quality State Grants related to the NCLB Teacher Requirements that identify the “rigorous state test” that federal law requires each new to the profession elementary teacher pass, and outlines the “high objective uniform state standard of evaluation” that can be used to qualify “not new to the profession” teachers as “highly qualified”. The proposed regulations also define several key phrases to assist school districts in complying with the federal law.

INITIAL STATEMENT OF REASONS
No Child Left Behind Teacher Requirements

SECTIONS 6100, 6101, 6102, 6103, 6104, 6110, 6111, 6112, 6115, 6116, 6120, 6125, and 6126.

SPECIFIC PURPOSE OF THE REGULATIONS.

The proposed regulations identify the “rigorous state test” that federal law requires each new to the profession elementary teacher pass, and outlines the “high objective uniform state standard of evaluation” that can be used to qualify “not new to the profession teachers as “highly qualified.” The proposed regulations also define several key phrases to assist school district in complying with the federal law.

NECESSITY/RATIONALE

Federal law under the No Child Left Behind Act (NCLB) requires that all teachers of core academic subjects meet the federal definition of “highly qualified teacher” no later than the end of the 2005-2006 school year. Schools that receive Title I funds are currently required to hire only teachers that meet the federal definition of “highly qualified teacher.” Core academic subjects include English, reading/language arts, mathematics, science, foreign languages, civics and government, economics arts, history, and geography (NCLB Section 9101).

While federal law defines the requirements for “highly qualified teacher,” some details regarding how the definition is applied in each State must also be determined. Existing State law and these proposed regulations are intended to provide the detail necessary to meet the NCLB Teacher Requirements in California.

The proposed regulations are necessary to implement the requirements of the federal No Child Left Behind Act. Specifically, the proposed regulations are necessary to identify the “rigorous state test” that federal law requires each new to the profession elementary teacher pass, and outline the “high objective uniform state standard of evaluation” that federal law provides to qualify “not new to the profession” teachers as “highly qualified.” The proposed regulations also define several key phrases to assist school districts in complying with the federal law. These details are necessary to assist school districts meet the federal law and allow California to receive and retain federal funding under the federal Title I, Part A.

The proposed regulations are:

ARTICLE 1. GENERAL

Article 1 provides California specific definitions of key words and phrases in the federal law.

ARTICLE 2. ELEMENTARY LEVEL TEACHERS

Article 2 provides California specific details for meeting the federal requirements for “new” and “not new” to the profession elementary teachers.

ARTICLE 3. MIDDLE AND HIGH SCHOOL LEVEL TEACHERS

Article 3 provides California specific details for meeting the federal requirements for “new” and “not new” to the profession middle and high school teachers.

ARTICLE 4. TEACHERS NOT MEETING NCLB TEACHER REQUIREMENTS

Article 4 identifies the California permits and authorizations that would not meet the federal requirements.

ARTICLE 5. ONE TIME COMPLIANCE ARTICLE

Article 5 clarifies that compliance with the federal requirements must only be accomplished once per subject or grade span taught.

ARTICLE 6. TEACHERS FROM OUT-OF –STATE

Article 6 clarifies that California will accept another State’s determination that a teacher has met the NCLB Teacher Requirements for a particular subject or grade span taught.

TECHNICAL, THEORETICAL, AND/OR EMIRICAL STUDY, REPORTS, OR DOCUMENTS.

The State Board has not identified any adverse impact on small business that would necessitate developing alternatives to the proposed regulatory action.

REASONABLE ALTERNATIVES TO THE REGULATIONS AND THE AGENCY’S REASONS FOR REJECTING THOSE ALTERNATIIVES.

The proposed regulations would not have a significant adverse economic impact on any business because they relate only to local school districts. No requirements are place on small businesses.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The State Board has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The State Board has made an assessment and determined that the adoption of the proposed regulations would not have a significant adverse economic impact on any business in the State of California.

CALIFORNIA STATE BOARD OF EDUCATION

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(916) 319-0827
(916) 319-0175 (fax)



TITLE 5. EDUCATION

CALIFORNIA STATE BOARD OF EDUCATION NOTICE OF PROPOSED RULEMAKING

NCLB Teacher Requirements

[Notice published May 21, 2004]

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

Program staff will hold a public hearing beginning at **1:00 p.m. on July 6, 2004**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Coordinator. The written comment period ends at **5:00 p.m. on July 5, 2004**. The Board will consider only written comments received by the Regulations Coordinator or at the Board Office by that time (in addition to those comments received at the public hearing).

Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 95814
Email: *dstrain@cde.ca.gov*
Telephone: (916) 319-0860
FAX: (916) 319-0155

AUTHORITY AND REFERENCE

Authority: Section 12201, Education Code.

Reference: Section 44275.4, Education Code; 20 USC 7801(23), 20 USC 6319(a); Improving Teacher Quality State Grants Title II, Part A Non-Regulatory Draft Guidance January 16, 2004.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Federal law under No Child Left Behind Act (NCLB) requires that all teachers of core academic subjects meet the federal definition of "highly qualified teacher" no later than the end of the 2005-2006 school year. Schools that receive Title I funds are currently required to hire only teachers that meet the federal definition of "highly qualified teacher." Core academic subjects include English, reading/language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography (NCLB Section 9101).

While federal law defines the requirements for "highly qualified teacher," some details regarding how the definition is applied in each State must also be determined. Existing State law and these proposed regulations are intended to provide the detail necessary to meet the NCLB Teacher Requirements in California.

Specifically, these proposed regulations identify the "rigorous state test" that federal law requires each new to the profession elementary teacher pass, and outlines the "high objective uniform state standard of evaluation" that can be used to qualify "not new to the profession" teachers as "highly qualified." The proposed regulations also define several key phrases to assist school districts in complying with the federal law.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: TBD

Cost or savings to any state agency: TBD

Costs to any local agency or school district that must be reimbursed in accordance with Government Code Section 17561: TBD

Other non-discretionary cost or savings imposed on local educational agencies: TBD

Cost or savings in federal funding to the state: TBD

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: TBD

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: TBD

Effect on small businesses: TBD

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Sandra Frank, Consultant
Curriculum Leadership Unit
California Department of Education
1430 N STREET
E-mail: sfrank@cde.ca.gov
Sacramento, CA 95814
Telephone: (916) 323-6244

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Coordinator, or to the backup contact person, Najia Rosales, at (916) 319-0860.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Coordinator at the address indicated above.

The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Sandra Frank, Curriculum Leadership Unit, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 323-6244; fax, (916) 323-2807. It is recommended that assistance be requested at least two weeks prior to the hearing.